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December 27, 2023

VIA ECF

MEMORANDUM ENDORSED

Hon. Gabriel W. Gorenstein, U.S.M.J.
United States District Court
Southern District of New York
40 Foley Square, Courtroom 519
New York, NY 10007

Re: **Mercedes v. TN Auburn, LLC**
Case No. 23-cv-8271 (AS) (GWG)

Dear Magistrate Judge Gorenstein:

We represent defendant TN Auburn, LLC, in the above-referenced ADA website accessibility case, and we write with the consent of plaintiff's counsel. Your Honor has scheduled an in-person settlement conference for Friday, January 5, at 2:30 p.m. For Sabbath reasons, we are not available for a Friday afternoon settlement conference and respectfully request a new date for the conference (and a new date for pre-conference submissions). Additionally, our client's decision-maker is located in Alabama, and it is not economically practical for him to travel to New York for a settlement conference. Therefore, we respectfully request that a rescheduled settlement conference be conducted either virtually or telephonically. After conferring with Chambers and with plaintiff's counsel, the parties are available on January 29 from 2:00 p.m. – 4:00 p.m. and on January 31 from 2:00 p.m. – 4:00 p.m.

We thank the Court for its attention to this matter, and we are available at Your Honor's convenience should the Court have any questions regarding the foregoing.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'David Stein'.

The conference is adjourned to January 29, 2024, at 2:00 p.m. Submissions are due January 23, 2024. All provisions of Docket # 15 otherwise remain in effect. The Court cannot guarantee that the conference will end at 4:00 p.m., however, and thus if any party or attorney cannot participate after that time, the parties must seek another date for the conference. The conference will take place in Courtroom 519. Participation in the conference by a client who lives outside New York is permissible under certain circumstances as explained in Docket # 15.

So Ordered.

A handwritten signature in dark ink, appearing to read 'Gabriel W. Gorenstein'.

GABRIEL W. GORENSTEIN
United States Magistrate Judge

December 27, 2023